

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR JAMES KAECH,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC.; U.S.
BANK NATIONAL ASSOCIATION, AS
TRUSTEE UNDER MORTGAGE
POOLING AND SERVICING
AGREEMENT DATED AS OF AUGUST
1, 2007 MASTR ASSET-BACKED
SECURITIES TRUST 2007 HE-2
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE2;
FIDELITY NATIONAL TITLE
INSURANCE COMPANY and DOE
DEFENDANTS 1 through 20,

Defendants.

NO. 2:14-cv-00330-SAB

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER**

Before the Court is Plaintiff's Complaint Motion for Temporary Restraining Order and/or Preliminary Injunction, contained within ECF No. 2. Specifically, plaintiffs request a temporary restraining order and/or preliminary injunction preventing the October 10, 2014 at 10:00 a.m. foreclosure sale of Plaintiff's real

**ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER ~ 1**

1 property. Plaintiff maintains “numerous defects with the pending foreclosure sale”
2 and has filed a complaint alleging numerous violations of Washington state law.
3 Plaintiff filed his complaint in Chelan County Superior Court on October 3, 2014.
4 Defendant Fidelity National Title Insurance Company removed the case to this
5 Court on October 7, 2014.

6 The sale of real property would prevent the Court from entertaining the
7 requested relief and would render Plaintiff’s case moot. *See Vegas Diamond*
8 *Props., LLC v. F.D.I.C.*, 669 F.3d 933, 936 (9th Cir. 2012). Additionally, the sale
9 of Plaintiff’s property would deprive Plaintiff of his home and the equity therein.
10 The Court, therefore, finds the plaintiff will suffer irreparable injury if any of the
11 defendants foreclose on his property before a hearing on the matter of a
12 preliminary injunction is held. Plaintiff’s motion for a temporary restraining order
13 is granted so that the parties may be fully heard on the motion for a preliminary
14 restraining order.

15 Accordingly, **IT IS HEREBY ORDERED:**

- 16 1. Plaintiff’s Motion for a temporary restraining order, contained within
17 ECF No. 2, is **GRANTED**.
- 18 2. The Court enjoins any attempt to foreclose on any real property of the
19 plaintiff, Victor James Kaech, by any of the defendants or their
20 representatives, for a period of time from 5:00 p.m. on October 9, 2014
21 until 5:00 p.m. on October 23, 2014. Specifically, the Court enjoins the
22 sale of the real property located at 1921 Dorner Place, Wenatchee, WA
23 98801-7351.
- 24 3. A hearing shall be held on the motion for preliminary injunction, subject
25 to service of a motion and accompanying documents on the defendant, at
26 **10:30 a.m., on October 22, 2014**, in Spokane, Washington, unless the
27 parties stipulate to an extension of the hearing.

1 4. For purposes of this temporary restraining order only, the Court waives
2 the security requirement under Federal Rule of Civil Procedure 65(c) due
3 to the plaintiff's alleged financial hardship.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
5 file this Order and provide copies to counsel.

6 **DATED** this 9th day of October, 2014.



11 Stanley A. Bastian

12 Stanley A. Bastian
13 United States District Judge
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